

REMARKS

Applicants thank Examiner for indicating that claims 4-8 are allowed. Applicants respectfully request reconsideration of the other pending claims in view of the above amendments and the following remarks.

Claims 1-19 are pending in the application. Claims 1-6 and 8-11 have been amended. Claim 12-19 have been added. No new matter has been inserted. Support for the amendments to claims 1 and 8 can be found in the specification at least at p. 25, lines 2-10 and at p. 29, lines 15-19. Claims 2-6 and 10 were simply amended for clarification. Support for the amendment to claim 9 can be found at least at p. 12, line 23 and p. 18, lines 12-22. Support for the amendment to claim 11 can be found at least at p. 19, lines 10-16. Support for new claim 12 can be found in the specification at least at p. 12, line 14, through p. 14, line 10. New claims 13-14 and 16-20 track claims 1-7. Support for new claim 15 can be found in the specification at least at p. 30, lines 12-16, and the drawings.

35 U.S.C. § 112, second paragraph

Claims 9-11 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants respectfully traverse this rejection.

While not conceding the correctness of Examiner's position, in the interest of advancing prosecution, claims 9 and 11 have been amended to obviate this rejection. Applicants respectfully request that this rejection be withdrawn.

35 U.S.C. § 102

Claims 1-2 and 8 were rejected under 35 U.S.C. § 102(e) as anticipated by Kitoh et al. (USPN 6,258,487). Applicants respectfully traverse this rejection.

Kitoh discloses a battery including spiral-rolled electrodes with divided electrode portions. Kitoh states, at col. 7, lines 4-8, that the electrodes are divided by measurements of length. However, Kitoh does not disclose electrode plates that "are selected from among groups of plates classified by weight" as required by claims 1, 8, and 13. Highlighting the distinction, it

is disclosed at p. 25, lines 2-10 of the present application that when 3000 sheets of positive electrode plates were similarly manufactured that there was a weight distribution of +/- 7%. Similarly, at p. 29, lines 9-19, "sheets of positive electrode plates with the thickness of 0.4mm, the width of 40mm and the length of 75 mm" were measured and showed a weight distribution such that they were then classified into 8 steps by weight. Therefore, it has been shown that dividing electrodes into portions by length is not the same as where plates are selected from among groups of plates classified by weight.

Accordingly, Kitoh does not anticipate claims 1 or 8. As claim 2 is dependant on claim 1, it is also not anticipated. Applicants respectfully request that this rejection be withdrawn.

Although claim 13 is not subject to this rejection, Kitoh does not anticipate claim 13 for the same reasons described above because claim 13 also requires that the electrode plates "are selected from among groups of plates classified by weight." As claims 14-16 are dependent on claim 13, they are also not anticipated.

Claims 1-2 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Nagaura et al. (USPN 5,534,369). Applicants respectfully traverse this rejection.

Naguara discloses a battery having divided electrode portions. However, Naguara does not disclose electrode plates that "are selected from among groups of plates classified by weight" as required by claims 1, 8, and 13. In the manner discussed above with regard to Kitoh, this distinction is significant. The present application demonstrates that dividing electrodes into portions by length is not the same as where plates are selected from among groups of plates classified by weight.

Accordingly, Naguara does not anticipate claims 1 or 8. As claim 2 is dependant on claim 1, it is also not anticipated. Applicants respectfully request that this rejection be withdrawn.

Although claim 13 is not subject to this rejection, Naguara does not anticipate claim 13 for the same reasons described above because claim 13 also requires that the electrode plates "are selected from among groups of plates classified by weight." As claims 14-16 are dependent on claim 13, they are also not anticipated.

35 U.S.C. § 103

Claims 9-11 were rejected under 35 U.S.C. § 103(a) over Kitoh et al. or Naguara et al., as applied above, in view of Nakai et al. (JP 60-108058). Applicants respectfully traverse this rejection.

As discussed above, neither Kitoh or Naguara disclose or suggest electrode plates that “are selected from among groups of plates classified by weight” as required by claim 8. Nakai does not cure the deficiencies of Kitoh or Naguara. Nakai does not disclose or suggest electrode plates that “are selected from among groups of plates classified by weight” as required by claim 8. As claims 9-11 are dependent on claim 8, they are not obvious over Kitoh et al. or Naguara et al., in view of Nakai et al. Applicants respectfully request that this rejection be withdrawn.

Claim 3 was rejected under 35 U.S.C. § 103(a) over Naguara et al., as applied above, in view of Kaido et al. (EP 814,525). Applicants respectfully traverse this rejection.


As discussed above, Naguara does not disclose or suggest electrode plates that “are selected from among groups of plates classified by weight” as required by claim 1. Kaido does not cure the deficiencies of Naguara. Kaido does not disclose or suggest electrode plates that “are selected from among groups of plates classified by weight” as required by claim 1. As claim 3 is dependent on claim 1, it is not obvious over Naguara et al. in view of Kaido et al. Applicants respectfully request that this rejection be withdrawn.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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Douglas P. Mueller
Reg. No. 30,300

